

NQMC RFP Questions and Answers

Question 118: Regarding Sections H-4 and L-16: The MSCS contracts will change during the term of the NQMC contract. Consequently, the NQMC contractor could be free of conflicts with current MSCS contractors at the time of proposal submission (June 2003), but could conceivably have a conflict under the new MSCS contracts. Will TMA provide the NQMC a reasonable period of time (i.e., 90 days) to terminate any pre-existing contract that causes a conflict under the new MSCS?

Response 118: If an offeror currently has a contract with TMA, or has a contract with TMA at the time of award of the NQMC, a conflict of interest exists based upon impaired judgment or the appearance thereof, because the offeror will be in a situation where it may have to evaluate its own work. If the offeror has a relationship as a potential prime contractor or potential subcontractor with TMA for another T-NEX contract (i.e., not the NQMC solicitation), a potential conflict of interest exists if the offeror is awarded the NQMC. Under any of these circumstances, TMA would evaluate the conflict or potential conflict in accordance with FAR Sections 9.500 through 9.508. If this did occur, a reasonable period of time to terminate or attempt to mitigate the conflict would be allowed.

Question 119: Section H-4.3 indicates that the NQMC contractor shall not have business with:

- [MCSC]
- DP
- TDEFIC
- “Other TMA Contractor”
- TMA claims processing or utilization review for a MCSC

Can TMA provide a list of [MCSC], DPs the TDEFIC and all related subcontractors? Without this information it is not possible to determine and avoid conflict.

Response 119: A list of the current contractors is available on the TMA web site at <http://www.tricare.osd.mil/contracting/tmamenu.cfm>. However, as some contracts have not been awarded (e.g., TDEFIC), some contractors cannot be identified at this time. An offeror is responsible for identifying whether a relationship with a prime contractor or subcontractor may pose a conflict of interest with the NQMC solicitation.

Question 120: Section L-16 lists only [MCSC] and DPs, including prime and subcontractors, as sources of conflicts. In other words, Section L-16 does not include the TDEFIC or “other TMA Contractors” in the definition of conflict.

We assume TMA defines, as a conflict, only the [MCSC] and DPs, and such subcontractors to these entities as TMA will specifically disclose? It does not appear necessary, practical or enforceable to preclude the NQMC from having business relationships with “other TMA contractors” who are not disclosed by TMA, who could change over time, and who likely perform functions from TMA that are unrelated to claim, utilization or quality concerns.

Does performance as TMA contractor for work unrelated to claims processing or utilization management constitute a conflict that disqualifies the contractor from an award as NQMC?

Response 120: The TDEFIC has not yet been awarded. As noted earlier, if an offeror currently has a contract with TMA, or has a contract with TMA at the time of award of the NQMC, a conflict of interest exists based upon impaired judgment or the appearance thereof, because the offeror will be in a situation where it may have to evaluate its own work. A list of the current contractors is available on the TMA web site at <http://www.tricare.osd.mil/contracting/tmamenu.cfm>. If the offeror has a relationship as a potential prime contractor or potential subcontractor with TMA for another T-NEX contract (i.e., not the NQMC solicitation), a potential conflict of interest exists if the offeror is awarded the NQMC. Under any of these circumstances, TMA would evaluate the conflict or potential conflict in accordance with FAR Sections 9.500 through 9.508. An offeror is responsible for identifying whether a relationship with a prime contractor or subcontractor may pose a conflict of interest with the NQMC solicitation.

As stated in Section C-1.1 of the RFP, the NQMC may be required to review records from any other TRICARE contractor. If the NQMC has a relationship with any other TRICARE contractor, a conflict of interest exists regardless of the type or extent of the business relationship. However, the type or extent of the relationship may have an impact on the determination whether the conflict can be avoided, neutralized or mitigated.

Performance as a TRICARE contractor for work unrelated to claims processing or utilization management constitutes a conflict of interest which, unless the conflict of interest can be avoided, neutralized or mitigated, will disqualify the contractor from an award as the NQMC.

Question 121: In the Sub-Sections L-13.9, you are prescribing the 5 largest overall accounts and 3 largest Government accounts by gross revenue; what do you mean by relevance?

Response 121: The meaning of “Relevant” “Relevance” and “Relevancy” depends on how it is used in the sentence. They are generally defined as pertinence to the matter at hand. The Government requests offerors submit their 5 largest accounts and 3 largest Government accounts, both based upon gross revenues.

The past performance information provides the Government with a “corporate resume” to begin researching. The Government intends to get an overview of the experience of the company by the largest overall accounts and the largest Government accounts. The offeror may need to indicate what relevance these accounts have to the NQMC. The accounts may be similar in size, complexity, or run parallel to NQMC but in a different area. The accounts may be larger than NQMC and indicate that NQMC is within the offeror’s capabilities to manage. The accounts may be for private industry but nevertheless mirror the requirements of NQMC. The Government contracts may give insight as to what Government experience the offeror has in its background.

The offeror also can offer 3 additional accounts to put its best foot forward. The offeror should demonstrate why the accounts and past experience they have submitted is relevant to NQMC.

Question 122: Regarding Section C-6.3.3, page 14: It is our understanding that when the process for Certification and Accreditation is begun, DoD normally assigns a Designated Approving Authority for the process. Who is the Designated Approving Authority for DITSCAP?

Response 122: TMA will assign the DAA and notify all concerned parties at that time.

Question 123: Regarding Section C-6.3.4, page 14: Do DITSCAP requirements also apply to first-tier subcontractors?

Response 123: DITSCAP requirements apply to the prime contractor and all subcontractors. However, the DoD Security and HIPAA requirements are tied to the data. If the data cannot be accessed at the subcontractor's site the DoD Security and HIPAA requirements does not apply to subcontractor's site.

Question 124: Regarding Section C-6.3.6, page 14: What is the frequency of the physical security audits discussed here and in Section J, Attachment 13?

Response 124: The physical security audits will be performed as a part of the DITSCAP process, every three years or whenever significant changes to the information system or network occur.

Question 125: Regarding Section C-6.3.7, page 14: In reviewing the RFP and DoD 5200.2-R June 2002 (draft), it is unclear if NQMC Information Technology personnel would be classified as IT-I or IT-III. Please clarify.

Response 125: It is assumed that the commenter is referring to the NQMC IT personnel responsible for contractor owned and operated IT systems. An IT-I classification requires that the employee have access to US, Government, DoD, or Component mission critical systems. Thus, in the event that there is no interconnection between the contractor owned and operated IT system and one of the above systems, the personnel would not be classified as IT-I. If there is an interconnection, the classification of a contractor's information technology personnel is dependent upon both the duties and responsibilities of the position and the scope, and level of privileges authorized. See AP 6.5.2, DoD 5200.2-R, June 2002 (draft).

Question 126: If subcontractor staff (such as review staff) works exclusively at the prime contractor's location, is the subcontractor's site required to meet security and HIPAA requirements?

Response 126: The DoD Security and HIPAA requirements are tied to the data. If the data cannot be accessed at the subcontractor's site the DoD Security and HIPAA requirements does not apply to subcontractor's site.

Question 127: Can the NQMC encrypt data so that it is not possible to individually identify beneficiaries or providers for the purposes of analyzing patterns and trends through a

subcontractor? If so, is the subcontractor's site required to meet security and HIPAA requirements?

Response 127: If data is accessed at the subcontractor's site, the Security and HIPAA requirements must be implemented, regardless of whether the data are encrypted or not.

Question 128: Do we understand correctly that for the Focused Studies task, TMA expects a price proposal consisting only of a single hourly rate on the Supplies or Services and Prices/Costs form, and that TMA is estimating 100 hours per year?

Response 128: The Government is asking for an hourly rate to be provided, and for proposal evaluation purposes the estimated number of hours is 100.